

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MIR ISLAM a/k/a JOSH,

Plaintiff,

- against -

THE GEO GROUP,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

**MEMORANDUM AND ORDER**

18-CV-4029 (RRM) (LB)

Plaintiff Mir Islam, a resident of the Bronx, New York, brings this *pro se* action alleging a variety of torts and breaches of contract that occurred while he was incarcerated in a facility operated by defendant The GEO Group, Inc. (Compl. (Doc. No. 1).) For the reasons discussed below, Islam is directed to file an amended complaint within 30 days of the date of this Order.

**DISCUSSION**

**I. Venue**

Pursuant to 28 U.S.C. § 1391(b), which governs civil actions in federal district courts, a civil action may be brought in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Here, Islam alleges that he "went to Geo on Jan 17, 2017." (Compl. at 1.) However, he does not indicate the location of the GEO facility that he was housed in. Therefore, it is unclear whether the Eastern District of New York is the proper venue for this action. Specifically, it is

not clear whether “a substantial part of the events or omissions giving rise to the claim occurred” in the Eastern District of New York. 28 U.S.C. § 1391(b)(2).

## **II. Leave to Amend**

Islam is granted 30 days’ leave to file an amended complaint that must provide the location of his detention. The amended complaint must also set forth the legal basis and factual allegations in a clear and concise manner in order to support Islam’s claim against the GEO Group. Islam must identify each defendant in both the caption and the body of the amended complaint, and name as proper defendants those individuals who have some personal involvement in the actions he alleges in the amended complaint. If Islam wishes to bring claims against defendants, but does not know the names of the individuals, he may identify each of them as John or Jane Doe, indicate their place of employment, and, to the best of his ability, describe each individual and the role he or she played in the alleged misconduct.

Islam is advised that an amended complaint does not simply add to the first complaint. Once an amended complaint is filed, it completely replaces the original. Therefore, Islam must include in the amended complaint all the necessary information that was contained in the original complaint. The amended complaint must be captioned as an “Amended Complaint” and bear the same docket number as this Order.

## **CONCLUSION**

Accordingly, Islam is granted 30 days’ leave to file an amended complaint. No summons shall issue at this time, and all further proceedings shall be stayed for 30 days. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith, and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 269 U.S. 438, 444–45 (1962).

The Clerk of Court is respectfully directed to mail a copy of this Order to Mir Islam and note the mailing on the docket.

SO ORDERED.

Dated: Brooklyn, New York  
April 4, 2019

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge